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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,511	07/01/2003	John A. Rotondo	03871-P0001B	4428
24126	7590	04/08/2004	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			TANNER, HARRY B	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			3744	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/611,511

Applicant(s)

ROTONDO, JOHN A.

Examiner

Harry B. Tanner

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/10/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Weber.

Weber discloses an air conditioner control comprising a control unit 160 having electrical plug 72, electrical socket 76-2, and relay 70 and a thermostat 152 located remotely from the control unit for generating a control signal in response to temperature and time of day (see col. 10, lines 52-65).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Wong. Weber is applied as in the rejection of claim 1 above. Wong teaches the use of a thermostat that controls an air conditioner in response to temperature, the time of day and the day of the week (see col.2, lines 5-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Weber such that it included controlling the air conditioner in response to the day of the week in view of the teachings of Wong.

Claims 3, 4, 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Roberts. Weber is applied as in the rejection of claim 1 above. Roberts teaches the use of a circuit breaker with reset means 20 in a wall plug 10 in order to protect an appliance from excessive current (see col.3, line 56 to col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Weber such that it included the use of a circuit breaker with reset means in the wall plug control unit 160 in order to protect the air conditioner from excessive current in view of the teachings of Roberts.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Roberts as applied to claim 3 above, and further in view of Ceola et al. Ceola teaches the use of a light 224 in order to indicate that a circuit breaker has been tripped (see col. 6, lines 47-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the circuit breaker of Roberts such that it included the use of a light in order to indicate that the circuit breaker has been tripped in view of the teachings of Ceola.

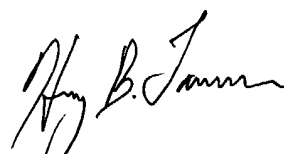
Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Roberts and Ceola et al as applied to claim 5 above, and further in view of Official Notice. Official Notice is taken that the use of LEDs as indicator lights was conventional at the time the invention was made. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the indicator light of Ceola such that it was an LED.

Art Unit: 3744

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Roberts as applied to claim 3 above, and further in view of Wong as applied to claim 2 above.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Roberts and Wong as applied to claim 12 above, and further in view of Ceola as applied to claim 5 above.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Roberts, Wong and Ceola as applied to claim 14 above, and further in view of Official Notice as applied to claim 6 above.



**Harry B. Tanner**  
Primary Examiner

Harry Tanner  
April 5, 2004  
703-308-2622